



Sanya Sarich Kerksiek
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November 20, 2009

By E-mail and U.S. First Class Mail

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Re: *CoStar Realty Information, Inc. and CoStar Group, Inc. v. Mark Field d/b/a Alliance Valuation Group, et al.*, D. Md., Case No. AW-08-00663

Dear Wayne:

This letter concerns our respective attempts to meet and confer regarding your client's intent to seek its attorneys' fees in connection with the denial of CoStar's motion to compel by the magistrate judge. We informed you on November 17 that we could not properly meet and confer regarding this issue, as Pathfinder had not provided information regarding the costs and attorneys' fees that it intends to seek, including the amount. On November 19, you responded that you would inform us of the amount of counsel fees once you return to the office this coming Tuesday, November 24, 2009.

As an initial matter, in order to properly meet and confer, CoStar will require more information than just the amount of fees sought. As you are likely aware, in the event fees are appropriately awarded, Fed. R. Civ. P. 37 allows only for the recovery of a *reasonable* attorneys' fee. Therefore, in order to adequately evaluate Pathfinder's claim for fees, CoStar will require additional information, including the hours worked, the individuals who conducted the work, and the nature of the work that was conducted.

EXHIBIT 3

Furthermore, the deadline to object to the magistrate judge's order is Tuesday, November 24, 2009. We therefore require a response from you regarding the fees issue no later than Monday, November 23, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Sanya Sarich Kerksiek", with a long horizontal flourish extending to the right.

Sanya Sarich Kerksiek

cc: William J. Sauers